

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERRIA MCKNIGHT, PARENT OF JAREL
MCKNIGHT,

Case No. 3:15-cv-00614-MMD-VPC

Plaintiff,

ORDER

LYON COUNTY SCHOOL DISTRICT,

Defendant.

Before the Court are two motions: Plaintiff Terria McKnight's Motion for Summary Judgment ("Motion") (ECF No. 42) and Defendant Lyon County School District's Counter motion to Strike ("Motion to Strike") (ECF No. 45). No response was filed to either motion. The Court grants the Motion to Strike and the Motion for Summary Judgment is stricken from the record.

Plaintiff, proceeding *pro se*, is asserting claims on behalf of her son against Defendant relating to a special education administrative decision. The dispositive motions deadline in this action was January 23, 2017. (ECF No. 22 at 2.) In this Court's August 17, 2017, order, the Court instructed (1) Defendant to file the relevant administrative record within thirty (30) days and (2) Plaintiff to file an opening brief within thirty (30) days after the administrative record was filed. (ECF No. 41 at 15.) Plaintiff then filed the Motion without leave of court on August 18, 2017. The Motion to Strike asks this Court to strike the Motion on the basis that it is untimely and that the Court's August 17, 2017, order rendered the Motion moot. (ECF No. 45 at 3-4.) The Court agrees with Defendant.

The Court has the inherent power to manage and control its docket. *Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998). Given that

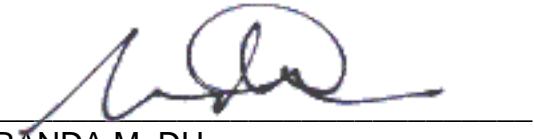
1 the Motion was filed roughly seven months after the dispositive motions deadline in this
2 action and without leave of court, the Court finds it appropriate to strike the Motion from
3 the record. Moreover, the Court agrees with Defendant that the Motion otherwise was
4 rendered moot when the Court instructed the parties to file briefs relating to the appeal of
5 the administrative decision.

6 Therefore, it is ordered that the Motion to Strike (ECF No. 45) is granted.

7 The Clerk is instructed to strike Plaintiff's Motion for Summary Judgment (ECF No.
8 42) from the record.

9 DATED THIS 2nd day of March 2018.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE